

1.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IRWIN INDUSTRIAL TOOL COMPANY, a Delaware Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:08-cv-00277-GCM
	)	
GIBBS GROUP, LLC, a California Limited Liability Company	)	
	)	
Defendant.	)	

**FINAL CONSENT JUDGMENT**

The Parties, having informed the Court that they have reached an agreement with respect to a full and final compromise and settlement of all matters and all causes of action related to the above-captioned lawsuit, and having requested entry of this Final Consent Judgment; and

It appearing to the Court that the entry of this Final Consent Judgment is warranted;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Irwin Industrial Tool Company (“Irwin”) is a corporation organized and existing under the laws of Delaware, with its principal place of business at 8935 NorthPointe Executive Drive, Huntersville, North Carolina 28078;

2. Gibbs Group, LLC (“Gibbs”) is a limited liability company organized and existing under the laws of the State of California, having a principal place of business at 779 Shasta Street, Yuba City, California 95991;

3. On June 17, 2008, Irwin brought claims against Gibbs for infringement of U.S. Patent No. 7,131,204 and U.S. Design Patent No. D520,327 (the “Irwin Patents”);

4. Irwin is the owner by assignment of all rights, title, and interest in and to the Irwin Patents;

5. By the signature of its counsel below, Gibbs has made a general appearance in this lawsuit, expressly waives formal service of process, and submits to the jurisdiction of this Court;

6. This Court has jurisdiction over these parties and the subject matter herein, and venue is proper in this judicial district;

7. The Irwin Patents are valid and enforceable; and

8. Gibbs and its officers, agents, servants, employees, and those persons in active concert or participation with Gibbs, are permanently enjoined from directly or indirectly making, using, offering to sell, or selling within the United States or importing into the United States the “Good Knife Irene,” sold under product number UPS 8 94631 00049 8, and any of the inventions claimed in the Irwin Patents.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to all counsel of record.

Signed: August 21, 2008



Graham C. Mullen  
United States District Judge



WE ASK FOR THIS:

s/Mark W. Kinghorn

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*Counsel for Irwin Industrial Tool Company*

SEEN AND AGREED TO:

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